

FILED

JUN 16 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSE ANDRES LOPEZ-CHAMU, a/k/a
Jose Andres Chamu and Miguel Angel
Lopez,

Defendant-Appellant.

No. 05-50950

D.C. No. CR-05-00054-CJC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted June 12, 2006^{**}

Before: KLEINFELD, PAEZ, and BERZON, Circuit Judges.

Jose Andres Lopez-Chamu appeals his 27-month sentence imposed
following his guilty plea to being found in the United States after illegal re-entry,

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Lopez-Chamu contends that the district court violated his constitutional rights by imposing a sentence in excess of the two-year maximum set forth in 8 U.S.C. § 1326(a) based on a prior conviction that was neither proved to a jury nor admitted during the plea colloquy. This contention is foreclosed by *United States v. Weiland*, 420 F.3d 1062, 1079 & n.16 (9th Cir. 2005), *cert. denied*, 126 S. Ct. 1911 (2006).

Lopez-Chamu next contends that the district court violated his Confrontation Clause rights by admitting three warrants of removal/deportation and a certificate of nonexistence of record (“CNR”) because they are testimonial documents and violate *Crawford v. Washington*, 541 U.S. 36 (2004). This contention is foreclosed by *United States v. Bahena-Cardenas*, 411 F.3d 1067, 1074-75 (9th Cir. 2005), *cert. denied*, 126 S. Ct. 1652 (2006) (warrant of deportation) and *United States v. Cervantes-Flores*, 421 F.3d 825, 830-34 (9th Cir. 2005), *cert. denied*, 126 S. Ct. 1911 (2006) (CNR).

Lopez-Chamu lastly contends that the district court’s condition of supervised release requiring him to report to the probation officer within 72 hours

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of re-entry into the United States violates his Fifth Amendment rights. This contention is foreclosed by *United States v. Rodriguez-Rodriguez*, 441 F.3d 767, 772-73 (9th Cir. 2006).

AFFIRMED.